

### 3.0 MITIGATION PERFORMANCE

#### 3.1 CONSERVATION EASEMENT

As required by the permits, AEC implemented and submitted a notarized, recorded, and filed conservation easement with Ohio Stream Preservation, Inc., a non-profit, 501(c) (3) organization (see <http://www.ohiostream.org/AboutUs.htm>). A copy of the conservation easement is provided in Appendix B.

The conservation easement protects, in perpetuity, the following waters:

- 1,970 feet of Piney Creek South,
- 2,452 feet of Piney Creek North,
- 2,678 feet of Long Run,
- 1,690 feet of Stream C,
- 1,710 feet of Stream D,
- 610 feet of Stream E, and
- 2.66 acres of Wetland Mitigation Area A.

#### 3.2 AS-BUILT EVALUATION

Figures 2 and 3 serve as as-built drawings for WMA A and B. Additionally, correspondence from the planting contractor, Habitat Solutions, Inc., confirms that the WMAs were planted substantially in conformance with the revised mitigation plan (see Appendix A). The delineated acreage of WMA A and B is approximately 2.8 acres.

CEC also inspected the three stream restoration reaches – Long Run (Figure 4) Piney Creek South (Figure 5), and Piney Creek North (Figure 6) to confirm that the restoration measures were installed as specified during fall 2007 and to evaluate their current condition. The location and type of restoration measures are shown on the figures and CEC's evaluation of the success of the individual restoration sub-reaches is presented in Table 3.